

REMARKS

Applicants have cancelled claims 1-19, 22-23, 30-36, and 43-46.

I. CLAIM REJECTIONS - 35 U.S.C. §102

A. *Claims 13-15, 17 and 30-31*

Claims 13-15, 17 and 30-31 were rejected under 35 U.S.C. §102(b) as being anticipated by Alemany et al.

Claims 13-15, 17 and 30-31 have been cancelled, thus alleviating this rejection.

B. *Claims 13-17, 30-34, 44 and 46*

Claims 13-17, 30-34, 44 and 46 were rejected under 35 U.S.C. §102(e) as being anticipated by Perricaudet et al.

Claims 13-17, 30-34, 44 and 46 have been cancelled, thus alleviating this rejection.

II. CLAIM REJECTIONS - 35 U.S.C. §112

A. *Claims 1-36 and 43-46*

Claims 1-36 and 43-46 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. The Examiner states there is no support in the specification for the broad limitations recited in amended independent claims (1, 14, 20, 31) which were amended to recite that the two (or more) vectors are "...capable of sustained replication..." and are "... capable of being produced independently of each other in separate trans-complementing packaging cell lines, thereby providing individual higher titers than vectors that are produced co-dependently on the same packaging cell line." The Examiner goes on to state that the specification provides no support for a generic teaching for any vector combination with these characteristics and the specification provides no support for vectors "capable of sustained replication".

Claims 1-19, 22-23, 30-36 and 43-46 have been cancelled, thus alleviating this rejection.

Applicants have limited the remaining claim (claim 20) to adenoviral vectors and to the exact deletion mutants exemplified in the specification. Applicants submit that these amendments alleviate the §112 issues.

III. CLAIMS REJECTION – 35 U.S.C. §112 SECOND PARAGRAPH

A. *Claims 1-36 and 43-46*

Claims 1-36 and 43-46 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite. The Examiner states, "claims 1, 14, 20 and 31 (and dependent claims) are vague in the recitation of the phrase '...capable of sustained replication...' or '...capable of sustained viral replication...'". Also, the term "sustained replication" or the term "sustained viral replication" in claims 1, 14, 20 and 31 is a relative term which renders the claim indefinite. Additionally, the Examiner states these claims are vague and that Applicant's recite a comparison between higher individual vector titers produced in separate trans-complementing cell lines versus titers "...produced co-dependently in the same packaging cell line." It is unclear if the quote saying "packaging cell line" refers to the same cell line as used to produce the vectors individually or to any cell line.

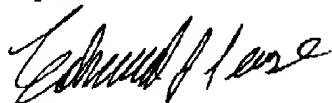
Claims 1-19, 22-23, 30-36 and 43-46 have been cancelled, thus alleviating this rejection. Independent claim 20 has been amended by removing all the language that has been objected to, thereby alleviating this rejection. Applicants submit that dependent claims 21 and 24-29 by virtue of their dependency containing all the limitations of independent claim 20.

IV. CONCLUSION

No fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,



EDMUND J. SEASE, Reg. No. 24,741
McKEE, VOORHEES & SEASE, P.L.C.
801 Grand Avenue, Suite 3200
Des Moines, Iowa 50309-2721
Phone No: (515) 288-3667
Fax No: (515) 288-1338
CUSTOMER NO: 22885

Attorneys of Record

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